

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GUN OWNERS OF AMERICA, Inc.
et al.

Plaintiffs,

v.

WILLIAM P. BARR,¹
et al.,

Defendants.

Case No. 1:18-cv-01429-PLM-RSK

Hon. Paul L. Maloney

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants hereby provide notice of the February 25, 2019 opinion of the United States District Court for the District of Columbia, denying motions for preliminary injunction in three pending cases: *Guedes v. ATF*, No. 18-cv-2988 (D.D.C.), *Firearms Policy Coalition v. Barr*, No. 18-cv-3083 (D.D.C.) (consolidated with *Guedes*), and *Codrea v. Barr*, 18-cv-3086. (D.D.C.) That opinion, docketed as ECF No. 27 on the *Guedes* docket, is the first opinion addressing the merits of the Final Rule at issue in these cases, *Bump-Stock-Type Devices*, 83 Fed. Reg. (“FR”) 66514 (Dec. 26, 2018).

Defendants agree with the conclusion of the Court in D.D.C. that “none of the plaintiffs’ arguments support preliminary injunctive relief.” Mem. Op., ECF No. 27, *Guedes*

¹ By operation of Fed. R. Civ. P. 25(d), Attorney General Barr has automatically been substituted for former Acting Attorney General Matthew G. Whitaker as a Defendant in this action.

v. ATF, No. 18-cv-2988 (D.D.C. Feb. 25, 2019). This Court should reach the same result. However, Defendants note that, consistent with the Supreme Court's decision in *United States v. Apel*, 571 U.S. 359 (2014), Defendants have not contended that the deference afforded under *Chevron v. Nat. Res. Def. Council*, 467 U.S. 837 (1984), applies in this action. *See Apel*, 571 U.S. at 369 (the Supreme Court has "never held that the Government's reading of a criminal statute is entitled to any deference").

Dated: February 27, 2019

Respectfully submitted,

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/s/_____
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